

House Bill 809 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 126th, Lunsford of the 110th, and Yates of the 73rd

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, so as to provide that certain persons who elected a survivors benefit and whose spouse predeceased him or her shall receive a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, is amended by striking in its entirety subsection (c) and inserting in lieu thereof the following:

"(c) In lieu of the retirement benefits provided in subsections (a) and (b) of this Code section, a member, upon retirement, may elect to receive 90 percent of the benefits the member is entitled to receive under subsections (a) and (b) of this Code section during the remainder of the member's life; and, after the member's death, the member's surviving spouse shall receive a monthly sum during the lifetime of the surviving spouse equal to 50 percent of the amount which the member would have received had the member elected the full benefits provided under subsections (a) and (b) of this Code section. In order to be eligible for such benefits, the surviving spouse must have been married to the member for at least six years immediately preceding the member's death. Such benefits shall not commence until after the surviving spouse reaches 55 years of age. Any person who was receiving a benefit on July 1, 2006, who elected a survivors benefit pursuant to this subsection upon retirement and whose spouse predeceased him or her shall be entitled to

1 a postretirement benefit adjustment such that the retirement allowance payable to the
2 retired member on and after July 1, 2006, shall be equal to the maximum retirement
3 allowance which the retired member would have been entitled to receive under this chapter
4 if he or she had not elected such survivors benefit."

5 **SECTION 2.**

6 This Act shall become effective on July 1, 2006, only if it is determined to have been
7 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
8 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
9 become effective and shall be automatically repealed in its entirety on July 1, 2006, as
10 required by subsection (a) of Code Section 47-20-50.

11 **SECTION 3.**

12 All laws and parts of laws in conflict with this Act are repealed.